IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

Amreek Singh Vs. State & Anr.
**S.B. CR. REVISION PETITION NO.67/2006**

Against judgment dated 27.10.2005 passed by learned Judicial Magistrate, First Class, Anoopgarh, District Sri Ganganagar in Criminal Case No.374/2003.

Date of Order :: 29th November, 2006.

**PRESENT**

**HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK**

Mr. J.S. Bhaleria for petitioner.

**BY THE COURT:**

By the present revision petition challenge has been made to the judgment dated 27.10.2005 passed by learned Judicial Magistrate, First Class, Anoopgarh, District Sri Ganganagar in Criminal Case No.374/2003,whereby the learned trial court has acquitted the accused respondent of the charges under Sections 279, 337, 338, and 304A IPC.

The contention of learned counsel for the petitioner is that in the instant case learned trial court has mis-read the evidence led by the prosecution. It has been submitted that the evidence of the eye witnesses has not been appreciated properly by the learned trial court. He submits that it has been amply proved by the evidence led by the prosecution that the accused respondent was driving the vehicle in question in rash and negligent manner and thereby he caused accident due to which deceased died, therefore, the learned trial court committed seriously illegality in acquitting the accused respondent.

I have considered the submissions made before me and perused the judgment impugned of acquittal passed by the learned trial court.

A perusal of the impugned judgment reveals that in the instant case initially First Information Report did not disclose the number of vehicle and the person who was driving the same after investigation Final Report was filed in the matter. The learned trial court in the

evidence of the witnesses found material contradictions creating doubt regarding presence of the accused respondent. The learned trial court in the impugned judgment mentioned that no whisper was made at least for 7½ months and thereafter complaint was made, therefore, the evidence led by the prosecution was not sufficient to hold the accused respondent guilty and thus acquitted the accused respondent of the charge framed against him.

After going through the impugned order carefully, I am of the opinion that the learned trial court has properly appreciated the evidence led by the prosecution as well as the defence. The position of the law is settled that where acquittal has been recorded, the Appellate Court should be slow in interfering with it unless there are reasons to the effect that the trial court has completely mis-read the evidence or conculsions arrived at are erroneous. The law is also settled on the point that if on the basis of evidence two views are possible, then, the view which favours the accused should be accepted.

In view of above discussion, I do not find any illegality in the impugned judgment passed by the learned trial court. Therefore, in my humble opinion, there appears no merit in the revision petition and it is liable to be dismissed.

In the result, the revision petition stands dismissed summarily.

**(SATYA PRAKASH PATHAK)J.**

vij